



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF RNS-

DATE: AUG. 29, 2016

APPEAL OF TEXAS SERVICE CENTER DECISION

PETITION: FORM I-140, IMMIGRANT PETITION FOR ALIEN WORKER

The Petitioner, a staffing and recruitment business, seeks to employ the Beneficiary as an occupational therapist and requests classification of the Beneficiary as a member of the professions holding an advanced degree under the second preference immigrant classification. *See* Immigration and Nationality Act (the Act) section 203(b)(2), 8 U.S.C. § 1153(b)(2). This employment-based immigrant classification allows a U.S. employer to sponsor a professional with an advanced degree for lawful permanent resident status.

The Director, Texas Service Center, denied the petition, concluding that the Petitioner had not established that it had the ability to pay the proffered wage to the Beneficiary.

The Petitioner filed the appeal on April 13, 2016, and indicated that a brief would be filed within 30 days. As of this date, more than 4 months later, we have received nothing further. The regulation requires that any brief shall be submitted directly to us. 8 C.F.R. §§ 103.3(a)(2)(vii) and (viii).

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.

The Petitioner has not specifically addressed the reasons stated for denial on the Form I-290B, Notice of Appeal or Motion. The Petitioner has not submitted a brief or provided a statement or any additional evidence. The Petitioner has not even expressed disagreement with the Director's decision. The appeal must therefore be summarily dismissed.

ORDER: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of RNS-*, ID# 11984 (AAO Aug. 29, 2016)